

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>N6/2008/0013/FP</b>
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**NOTATION:** The site lies within the settlement of Welwyn Garden City, the Welwyn Garden City Conservation Area and the Primary Retail Core of Welwyn garden City Town Centre as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:** The application site is located at the junction of Wigmores North and Howardsgate in the Town Centre of Welwyn Garden City. The site measures approximately 8 metres wide at the Howardsgate frontage and 17 metres wide at the Wigmores North frontage.

**DESCRIPTION OF PROPOSAL:** The application is retrospectively seeking the change of use from the previous A1 (Kitchen Showroom) use to a A3 Café use. The proposal does not relate to any building works or advertising installations.

**PLANNING HISTORY:** Planning application N6/2007/1770/FP requested the retention of fascia advertising and canopies that were installed by the current land user. This application was refused on the following grounds:

“The proposed development, by virtue of the positioning of advertisements on the three canopies that been provided at the application site, would result in an abundance of advertising that would dominate the character and visual interests of the retail-frontage and would result in an unreasonable cumulative increase in the amount of advertising at the site, thereby detracting from the visual interests of the existing building and failing to maintain or enhance the character or appearance of the Conservation Area. The proposal is therefore contrary to policies D1, D2, TCR13 and R22 of the Welwyn Hatfield District Plan 2005.”

Application N6/1995/0920/AD granted advertising consent for the installation of two internally illuminated projecting signs and two internally illuminated fascia signs.

Application N6/1980/7010/AD granted advertising consent for the installation of three illuminated signs and two illuminated projecting signs.

Current Planning Application N6/2008/0013/FP has applied for retrospective permission for the change of the sue of the premises to an A3 café. This has not been determined.

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

Hertfordshire Structure Plan Review 1991 – 2011:  
None

Welwyn Hatfield District Plan 2005:  
SD1 Sustainable Development  
GBSP2 - Towns and specified settlements  
D1 - Quality of design

D2 - Character and context  
TCR7 – Retail Frontages  
TCR13 – Environment of Welwyn Garden City Town Centre  
R22 – Development in Conservation Areas.  
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005  
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

**CONSULTATIONS:** None

**TOWN/PARISH COUNCIL COMMENTS:** None

**REPRESENTATIONS:** The Welwyn Hatfield Access Group have requested that Building Regulations Part M are considered. Period expired 13/02/08.

**DISCUSSION:** The main issues are:

- 1. The impact of the change of use on the vitality and viability of Welwyn Garden City Town Centre.**
- 2. The impact on the amenity of neighbouring residents**
- 3. Other Material Planning Considerations**

1. As outlined above the site is located within the designated town centre of Welwyn Garden City and is part of the primary retail frontage of Howardsgate. Under the terms of this designation, policy TCR7 of the Welwyn Hatfield District Plan 2005 outlines that “Within the designated Retail Frontages in the primary retail core of Welwyn Garden City Town Centre, a minimum of 70% of any one linear frontage must remain in Class A1 retail use.” TCR7 continues by outlining that “the only exceptions to this will be if the proposal is for a Class A3 use which would provide an ‘eat-in’ restaurant or café facility for shoppers that would

- (i) contribute to the overall attractiveness of the town centre; and
- (ii) not undermine the retail function of the frontage.”

The proposed development would result in 8 of the 24 premises located on North side of Howardsgate being used for non-A1 uses, therefore 66% of the uses would remain in A1 use. Therefore the proposed development would not comply with the first part of policy TCR7, however as an A3 use the proposed land use is exempt from this consideration and it should therefore not be used to justify the refusal of the planning application.

Despite being an A3 use, in this instance it is considered that the use of the application site as a café is considered to be appropriate within a town centre as it assists the retail function and provides a venue for shoppers and workers to congregate, thereby enhancing the vitality of the Town Centre and promoting a mixture of leisure and retail uses that is considered to be in-keeping with the principles of PPS6 (Planning and Town Centres.)

Although the Welwyn Garden City Town Centre is now served by a number of cafes and other A3 uses, it is considered that at this time the number of A3 uses do not hinder the vitality of the town centre and do not prevent there being suitable accommodation for potential A1 uses. Given that there are several vacant premises in the surrounding area that could accommodate A1 uses, it is considered that the proposed loss of A1 floor-space is not likely to unduly harm the retail function of the Town Centre or prevent the town from attracting further A1 uses in the future.

2. The majority of the surrounding land uses are commercial, therefore it is considered that the use of the site as a café would have a minimal impact on the amenity of surrounding land users. Any residential premises in the area would not be unduly affected by the use of the premises as a café and there would not be congregation of people or noise generation to an extent that would affect the amenity of surrounding residents. It is therefore considered that it would be unreasonable to refuse the application on the grounds of the impact on the amenity of neighbouring residents.

3. The proposed development does not relate to any building alterations or advertising installations. In this instance it is considered relevant to attach an informative outlining this.

There are no other material planning considerations of relevance to the determination of the planning application.

**CONCLUSION:** Although the change of use results in less than 70% of the retail frontage being used for Class A1 retail accommodation, as policy TCR7 allows for A3 uses to be accepted as an exemption to the above criterion, it is considered that it would be unreasonable to object to the development on the grounds that less than 70% of the retail frontage would be used for Class A1 uses. It is considered that the change of use would not prevent the town centre from attracting further A1 uses in the future and would assist the vitality of the Town Centre by providing an additional leisure/café facility which would promote spending and assist the attraction of further visitors to the retail function of the Town Centre.

The proposed development would have no detrimental impacts on the amenities of surrounding land users and should therefore not be refused planning permission on those grounds.

### **RECOMMENDATION: APPROVAL**

**CONDITIONS:** As the application is retrospective it is considered that the benefit to using planning conditions would be reduced. As Costa Coffee has not had its opening hours restricted it is considered that it would be unreasonable to attach a limiting condition to that effect. As the development would not have an unreasonable impact on the amenity of any neighbouring occupiers, it is considered that there is no need to use any other conditions.

### **SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against development plan policies (i.e. Welwyn Hatfield District Plan 2005 Policies SD1, GBSP2, D1, D2, R22, TCR7 and TCR13), in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

**INFORMATIVES:** The application hereby approved relates solely to the use of the above premises and does not relate to any building operations or advertising installations at the application site.

**DRAWING NUMBERS:** Block Plan and Location Plan. Received and Dated 04/01/08.

**Signature of author..... Date.....**